

**MINUTES**  
**EAU CLAIRE CITY COUNCIL LEGISLATIVE MEETING**

**Tuesday, March 26, 2013**

**City Council Chamber**

**4:00 p.m.**

**PLEDGE OF ALLEGIANCE AND ROLL CALL**

Council President Kincaid called the meeting to order. The following members were present: Council Members Larry Balow, David Duax, Catherine Emmanuelle, Kerry Kincaid, David Klinkhammer, Kathy Mitchell, Mark Olson, Jackie Pavelski, Bob Von Haden, and Thomas Vue. Absent: Council Member Andrew Werthmann.

**CONSENT AGENDA**

The Council considered a resolution adopting the Consent Agenda for selected items of routine business on Tuesday, March 26, 2013. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Vue “to adopt the consent resolution”. Said motion passed by unanimous vote.

**SPECIAL EVENT - TASTE OF THE VALLEY**

The City Council considered a resolution authorizing the Community Table and the Leader Telegram to conduct the Taste of the Valley on Saturday and Sunday, June 1-2, 2013 at Phoenix Park. Thereupon a motion was offered by Council Member Balow and seconded by Council Member Klinkhammer “to adopt said resolution”. Said motion passed by unanimous vote.

The Council considered a resolution granting a Temporary Class B Fermented Malt Beverage and Temporary Class B Wine license to The Community Table, Teresa O’Halleran, Co-Chair, on June 1 & 2, 2013, at Riverfront Terrace Phoenix Park for Taste of the Valley. Thereupon a motion was offered by Council Member Olson and seconded by Council Member Von Haden “to adopt said resolution”. Said motion passed by unanimous vote.

**POET LAUREATE**

The City Council considered a resolution appointing Bruce Taylor to a second term as the city's poet laureate. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Pavelski “to adopt said resolution”. Said motion passed by unanimous vote.

**SPECIAL ASSESSMENT**

The Council considered a resolution amending the assessment roll for improvements on W. Hamilton Avenue, Stein Boulevard to Craig Road (13-203). Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Emmanuelle “to adopt said resolution”. Said motion passed by unanimous vote.

## **STORM WATER ANNUAL REPORT**

The Council considered a resolution indicating receipt and review of the WPDES (Wisconsin Pollutant Discharge Elimination System) Storm Water Permit 2012 Annual Report. Thereupon a motion was offered by Council Member Vue and seconded by Council Member Balow “to adopt said resolution”. Said motion passed by unanimous vote.

## **TRANSIT CONTRACTS & AGREEMENTS**

The City Council considered a resolution approving the 2013 Paratransit Aids Contract with the Wisconsin Department of Transportation. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Olson “to adopt said resolution”. Said motion passed by unanimous vote

The Council considered a resolution authorizing the City Manager to execute the 2013 Federal Transit Administration Section 5307 Supplemental Agreement between the City of Eau Claire and the City of Chippewa Falls. Thereupon a motion was offered by Council Member Von Haden and seconded by Council Member Duax “to adopt said resolution”. Said motion passed by unanimous vote.

## **COMMUNITY & NEIGHBORHOOD GARDENS**

The City Council considered a resolution authorizing a use agreement with the Unitarian Universalist Church for the use of a section of the Forest Street Park for community gardens. Thereupon a motion was offered by Council Member Pavelski and seconded by Council Member Mitchell “to adopt said resolution”. Thereupon a motion was offered by Council Member Olson and seconded by Council Member Balow “to amend said agreement as follows: In Paragraph No. 10. Assignment, in the last line remove the words ‘Any profits from the produce grown and sold for support of the Church’ and insert the words ‘Any profits from operations’.” Said motion to amend passed on a unanimous voice vote. The Council then voted on the resolution as amended. Said resolution was adopted by unanimous vote.

The Council considered a resolution authorizing a use agreement with the Randall Park Neighborhood Association for the use of green space in Lakeshore Park for neighborhood gardens. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Vue “to adopt said resolution”. Thereupon a motion was offered by Council Member Duax “to amend said agreement as follows: In Paragraph No. 7 Assignment, in the last line, remove the words ‘Any profits from the produce grown and sold for support of the Association’ and insert the words ‘Any profits from operations’.” Thereupon a motion was offered by Council Member Von Haden “to replace all references to ‘community garden’ in the agreement with ‘neighborhood garden’”. Both motions to amend were adopted by a unanimous voice vote. The Council then voted on the resolution as amended. Said resolution was adopted by unanimous vote.

The Council considered a resolution authorizing a use agreement with the Third Ward Neighborhood Association for the use of green space in Demmler Park for neighborhood gardens. Thereupon a motion was offered by Council Member Balow and seconded by Council Member Klinkhammer “to adopt said resolution”. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Olson “to amend said resolution as follows:

1. In Paragraph No. 7 Assignment, in the last line remove the words ‘Any profits from the produce grown and sold for support of the Association’ and insert the words ‘Any profits from operations’.
2. All references in the agreement to ‘community garden’ shall be changed to ‘neighborhood garden’.”

Said motion to amend passed by unanimous consent. The Council then voted on the resolution as amended. Said resolution was adopted by unanimous vote.

### **ZONING CODE – PUBLIC NOTICE REQUIREMENTS**

The City Council considered an ordinance amending Chapter 18.35 entitled “Conditional Uses”, Chapter 18.55 entitled “Board of Appeals”, and Chapter 18.65 entitled “Amendments and Rezoning” of the Zoning Code of the City of Eau Claire, regarding zoning radius notices and public hearing notice signs, as shown on Planning File #Z-1522-13. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Von Haden “to postpone consideration of said ordinance until such time as a recommendation comes forward from the Plan Commission”. Said motion passed by unanimous vote.

The City Council considered an ordinance changing the name of Epiphany Lane to Calvary Crossing, from Folsom Street to Truax Boulevard. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Von Haden “to grant the applicant’s request to withdraw the application to change the name of Epiphany Lane to Calvary Crossing.” Said motion passed by unanimous vote.

### **ZONINGS**

The City Council had first reading on the following zoning ordinances:

- property located on the east side of Hwy. 53 and on the north and south sides (quadrants) of the North Crossing interchange from Temporary R-1A and R-1A to C-3P and to adopt the General Development Plan for commercial development on the north quadrant; and to amend the existing C-3P zoning on the south quadrant to allow a change in setback as shown on Planning File #Z-1521-13.
- property on the west side of Oakwood Hills Parkway, between Cypress Street and Oakwood Hills Parkway, south of Brian Street, from Temporary R-1A and C-2P to R-1 and C-2P and to adopt the General Development Plan for commercial development as shown on as shown on Planning File #Z-1523-13.
- property on the south side of Birch Street, east of River Prairie Drive, from Temporary R-1A to R-3P and to adopt the General Development Plan for multi-family development with Community Based Residential Facilities (CBRF) which will exceed 16 residents and be located within 2,500 feet of another CBRF as shown on Planning File #Z-1524-13.

## **HVAC CODE AMENDMENTS**

The Council had first reading on an ordinance amending Chapter 16.28 of the Code of Ordinances of the City of Eau Claire entitled "Heating, Ventilating, and Air Conditioning (HVAC) Code.

## **ADJOURNMENT**

A motion was offered by Council Member Pavelski and seconded by Council Member Balow "that this meeting does now adjourn." Said motion passed by unanimous voice vote.

Adjournment: March 26, 2013

Time: 5:26 p.m.

ATTEST:

/s/ Kerry J. S. Kincaid, President

/s/ Donna A. Austad, City Clerk